



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 16 2018

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tyler Oldroyd
Owner
Truckwurx, LLC
731 North 17th Street, Unit 3
St. Charles, Illinois 60174

Re: Finding of Violation for Clean Air Act Violations

Dear Mr. Oldroyd:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Truckwurx, LLC (Truckwurx) for violating Section 203(a)(3)(B) of the Clean Air Act (CAA), 42 U.S.C. § 7522(a)(3)(B). As summarized in the attached FOV, EPA determined that Truckwurx removed and/or rendered inoperative devices or elements of design installed on or in motor vehicles or motor vehicle engines, and has installed, sold or offered to sell parts or components for motor vehicle engines that bypass, defeat, or render inoperative elements of design of those engines that were installed by the original equipment manufacturer in order to comply with CAA emission standards.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us any information responsive to the FOV prior to the conference date. We have also enclosed an information sheet titled: "*U.S. EPA Small Business Resources*" which may be helpful if you qualify as a small business.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Patrick Miller. You may call him at (312) 886-4044 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Nam', with a stylized flourish at the end.

Edward Nam
Director
Air and Radiation Division

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Truckwurx, LLC
St. Charles, Illinois**

Proceedings Pursuant to
the Clean Air Act
42 U.S.C. §§ 7521 - 7554

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FINDING OF VIOLATION

EPA-5-18-IL-13

FINDING OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Finding of Violation to Truckwurx, LLC (“Truckwurx” or you”) for violating Section 203(a)(3)(B) of the Clean Air Act (CAA), 42 U.S.C. § 7522(a)(3)(B).

Statutory and Regulatory Background

1. Title II of the CAA, 42 U.S.C. §§ 7521–7554, was enacted to reduce air pollution from mobile sources. In enacting the CAA, Congress found, in part, that “the increasing use of motor vehicles...has resulted in mounting dangers to the public health and welfare.” CAA § 101(a)(2), 42 U.S.C. § 7401(a)(2).
2. Section 216(2) of the CAA defines “motor vehicle” as “any self-propelled vehicle designed for transporting persons or property on a street or highway.” *see also* 40 C.F.R. § 85.1703 (further defining “motor vehicle”). These definitions are based on vehicle attributes (e.g., ability to travel over 25 miles per hour, lack of features that render street use unsafe) and make no exemption for vehicles based on their use (e.g., claim that a vehicle is used solely for competition).
3. EPA promulgated emission standards for particulate matter (PM), nitrogen oxides (NO_x), and other pollutants emitted by motor vehicles and motor vehicle engines, including Heavy Duty Diesel Engine (HDDE) trucks, under Section 202 of the CAA, 42 U.S.C. § 7521. *See generally* 40 C.F.R. Part 86. HDDE emission standards “reflect the greatest degree of emission reduction achievable through the application of [available] technology.” CAA § 202(a)(3)(A)(i), 42 U.S.C. § 7521(a)(3)(A)(i).
4. Section 203(a)(1) of the CAA, 42 U.S.C. § 7522(a)(1), prohibits a vehicle manufacturer from selling a new motor vehicle in the United States unless the vehicle is covered by a certificate of conformity. EPA issues certificates of conformity to vehicle and engine manufacturers under Section 206(a) of the CAA, 42 U.S.C. § 7525(a), to certify that a particular group of motor vehicles and motor vehicle engines conform to applicable EPA requirements governing motor vehicle emissions. The certificate of conformity will

include, among other things, a description of the HDDEs, their emission control systems, all auxiliary emission control devices and the engine parameters monitored.

5. To meet the emission standards in 40 C.F.R. Part 86, HDDE manufacturers employ many devices and elements of design. "Element of design" means "any control system (i.e., computer software, electronic control system, emission control system, computer logic), and/or control system calibrations, and/or the results of systems interaction, and/or hardware items on a motor vehicle or motor vehicle engine." 40 C.F.R. § 86.094-2.
6. One element of design that HDDE manufacturers employ is retarded fuel injection timing as a primary emission control strategy for emissions of oxides of nitrogen (NO_x). Common emission control devices used by HDDE manufacturers to meet emission standards include diesel particulate filter (DPF), exhaust gas recirculation (EGR) systems, selective catalytic reduction (SCR) systems, and/or diesel oxidation catalyst (DOC). Additionally, modern HDDEs are equipped with electronic control modules (ECMs), which continuously monitor engine and other operating parameters and control the emission control devices.
7. EPA promulgated regulations for motor vehicles manufactured after 2007 that require HDDE trucks to have onboard diagnostic systems to detect various emission control device parameters and vehicle operations. *See* Section 202(m) of the CAA, 42 U.S.C. § 7521(m) and 40 C.F.R. § 86.010-18.
8. Section 203(a)(3)(B), of the CAA, 42 U.S.C. § 7522(a)(3)(B), prohibits "any person to manufacture or sell, or offer to sell, or install, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under [Title II of the CAA], and where the person knows or should know that such part or component is being offered for sale or installed for such use or put to such use."

Background

9. Truckwurx owns and operates a HDDE service and repair facility located in St. Charles, Illinois ("Facility") that sells parts or components intended for use with HDDEs and performs, among other things, performance modifications to HDDEs.
10. Truckwurx is a "person," as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
11. On February 26, 2016, EPA representatives attempted to conduct an inspection of Truckwurx's Facility to evaluate the company's compliance with Title II of the CAA. At that time, Truckwurx representatives denied EPA entry to the Facility and access to records.

Environmental Impact of Violations

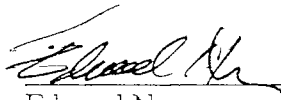
17. These violations may result in excess emissions of PM, NO_x, hydrocarbons, and other air pollutants. PM, especially fine particulates containing microscopic solids or liquid droplets, can get deep into the lungs and cause serious health problems, including decreased lung function; chronic bronchitis; and aggravated asthma. Additionally, current scientific evidence links short-term NO_x exposures, ranging from 30 minutes to 24 hours, with adverse respiratory effects including airway inflammation in healthy people and increased respiratory symptoms in people with asthma.

Enforcement Authority

18. EPA may bring an enforcement action for these violations under its administrative authority or by referring this matter to the United States Department of Justice with a recommendation that a civil complaint be filed in federal district court. CAA §§ 204 and 205, 42 U.S.C. §§ 7523 and 7524. Any person who violates Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), is subject to an injunction under Section 204 of the CAA, 42 U.S.C. § 7523, and a civil penalty of up to \$4,619 for each violation under Section 205(a) of the CAA, 42 U.S.C. § 7524(a), and 40 C.F.R. § 19.4.

Date

7/16/18



Edward Nam

Director

Air and Radiation Division

12. On April 21, 2016, EPA issued to Truckwurx a request for information under Section 208 of the CAA, 42 U.S.C. § 7542, requesting documents related to services and/or parts or components manufactured, sold, or installed by Truckwurx on HDDEs.
13. On June 15, 2016, Truckwurx provided to EPA invoices and documents related to its purchases, sales, and work that impacted emission control devices and elements of design on HDDEs certified to meet applicable motor vehicle and motor vehicle engine emission standards under Title II of the CAA.
14. Truckwurx provided at least 291 work records that showed it sold and/or installed tuners or tunes consisting of software and/or devices that change, affect, modify, bypass, render inoperative, or allow for the deletion of DOC, DPF, EGR, and/or SCR systems, and/or OBD codes, sensors, signals, or records related to these systems; and/or alter ECM fuel or ignition timing maps on HDDEs (“Defeat Tuners or Tunes”). These work records range from January 1, 2014 through December 31, 2014, and from January 1, 2016 through May 21, 2015. The invoices for this work are summarized in Attachment A. The Defeat Tuners or Tunes sold and/or installed by Truckwurx includes EFI Live tunes including PPEI, Draconian Diesel, Truckwurx – Tunes by T&K Performance, and Efibyryan, and tuners including RaceMe Tuners, H&S Performance Mini Maxx, SCT 7015 and 5015P, and Spartan Phalanx.
15. Truckwurx provided at least 167 work records that showed it sold and/or installed “delete kits” containing parts and/or exhaust systems that remove and/or bypass DOC, DPF, EGR, and/or SCR systems on HDDEs. These work records range from January 1, 2014 through December 31, 2014, and from January 1, 2016 through May 21, 2015. The invoices for this work are summarized in Attachment A. The exhaust after-treatment deletion components sold and/or installed by Truckwurx include DPF Delete and other exhaust systems manufactured by FloPro and aFe Power. The EGR deletion components sold and/or installed by Truckwurx include components manufactured by Sinister Manufacturing, Flo Pro, Deviant Race Parts, Glacier Diesel, and aFe Power.

Violations

16. Based on the information described above, Truckwurx sold, offered for sale, and/or installed parts and components used on EPA-certified HDDEs. A principal effect of these parts and components was to bypass, defeat, or render inoperative elements of the HDDEs design that control emissions of regulated air pollutants. Specifically, Truckwurx modified, removed and/or rendered inoperative DOCs, DPFs, EGRs, and/or SCRs installed on HDDEs. Truckwurx knew or should have known that the work performed on these HDDEs and parts or components were offered for sale or installed for such use or put to such use. Therefore, Truckwurx is in violation of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

Attachment A

Date	Invoice No.	Was a Defeat Tuner or Tune(s) Sold/Installed?	Was a Delete Kit(s) Sold/Installed?
01/03/2014	11717	Yes	No
01/03/2014	11718	Yes	Yes
01/03/2014	11719	Yes	No
01/03/2014	11720	Yes	No
01/03/2014	11722	Yes	No
01/03/2014	11723	No	Yes
01/03/2014	11724	Yes	Yes
01/03/2014	11725	Yes	Yes
01/03/2014	11728	Yes	No
01/03/2014	11729	Yes	No
01/03/2014	11730	Yes	Yes
01/03/2014	11731	Yes	Yes
01/03/2014	11732	Yes	No
01/03/2014	11733	Yes	No
01/08/2014	11734	No	Yes
01/08/2014	11737	Yes	No
01/08/2014	11739	Yes	Yes
01/08/2014	11740	Yes	No
01/10/2014	11742	No	Yes
01/10/2014	11743	Yes	No
01/10/2014	11744	Yes	Yes
01/10/2014	11746	Yes	No
01/10/2014	11747	Yes	No
01/10/2014	11749	Yes	No
01/10/2014	11750	Yes	Yes
01/10/2014	11751	Yes	Yes
01/10/2014	11752	Yes	No
01/10/2014	11753	Yes	No
01/10/2014	11754	Yes	Yes
01/10/2014	11755	Yes	No
01/10/2014	11756	Yes	No
01/10/2014	11758	Yes	No
01/10/2014	11759	No	Yes
01/10/2014	11761	Yes	No
01/10/2014	11762	Yes	Yes
01/15/2014	11766	Yes	No
01/15/2014	11767	Yes	No
01/15/2014	11768	Yes	No

01/15/2014	11769	Yes	No
01/15/2014	11771	Yes	Yes
01/15/2014	11773	Yes	Yes
01/18/2014	11774	Yes	Yes
01/18/2014	11775	Yes	No
01/21/2014	11776	Yes	No
01/21/2014	11780	Yes	No
01/21/2014	11781	Yes	No
01/21/2014	11782	Yes	No
01/21/2014	11783	Yes	No
01/21/2014	11784	Yes	No
01/21/2014	11785	Yes	No
01/21/2014	11788	Yes	Yes
01/21/2014	11789	Yes	No
01/21/2014	11790	No	Yes
01/21/2014	11794	Yes	No
01/21/2014	11798	No	Yes
01/21/2014	11801	Yes	No
01/21/2014	11802	Yes	No
01/21/2014	11803	Yes	No
01/28/2014	11804	Yes	No
01/28/2014	11809	Yes	No
01/28/2014	11810	Yes	No
01/28/2014	11815	Yes	No
01/28/2014	11820	Yes	No
01/28/2014	11821	Yes	Yes
01/28/2014	11822	No	Yes
01/28/2014	11823	Yes	No
01/28/2014	11825	Yes	No
01/28/2014	11826	Yes	No
01/28/2014	11828	Yes	Yes
01/28/2014	11831	Yes	No
02/04/2014	11833	No	Yes
02/04/2014	11836	Yes	No
02/04/2014	11837	Yes	Yes
02/04/2014	11838	Yes	No
02/04/2014	11839	Yes	Yes
02/04/2014	11842	Yes	No
02/04/2014	11844	Yes	Yes
02/04/2014	11846	Yes	Yes
02/04/2014	11848	Yes	Yes
02/04/2014	11849	Yes	No
02/04/2014	11852	Yes	No

02/04/2014	11856	Yes	No
02/04/2014	11857	Yes	No
02/04/2014	11858	Yes	No
02/04/2014	11859	Yes	Yes
02/13/2014	11860	Yes	No
02/13/2014	11861	Yes	No
02/13/2014	11862	Yes	No
02/13/2014	11863	No	Yes
02/13/2014	11864	No	Yes
02/14/2014	11865	Yes	No
02/14/2014	11866	Yes	No
02/17/2014	11868	Yes	No
02/17/2014	11870	Yes	Yes
02/17/2014	11871	Yes	No
02/17/2014	11872	Yes	Yes
02/17/2014	11873	Yes	No
02/17/2014	11874	No	Yes
02/17/2014	11875	Yes	Yes
02/17/2014	11876	Yes	No
02/17/2014	11877	No	Yes
02/17/2014	11879	Yes	No
02/17/2014	11880	No	Yes
02/17/2014	11881	Yes	Yes
02/19/2014	11882	Yes	No
02/19/2014	11883	Yes	No
02/19/2014	11884	Yes	Yes
02/19/2014	11886	Yes	Yes
02/19/2014	11887	Yes	No
02/19/2014	11890	Yes	Yes
02/19/2014	11892	No	Yes
02/19/2014	11893	Yes	No
02/19/2014	11894	Yes	Yes
02/19/2014	11895	Yes	No
02/24/2014	11898	Yes	No
02/24/2014	11901	Yes	No
02/24/2014	11902	Yes	Yes
02/24/2014	11904	Yes	No
02/24/2014	11905	Yes	Yes
02/24/2014	11906	No	Yes
02/24/2014	11907	Yes	No
02/24/2014	11908	Yes	No
02/24/2014	11909	No	Yes
02/24/2014	11910	Yes	No

02/24/2014	11911	No	Yes
02/24/2014	11912	Yes	No
02/24/2014	11913	No	Yes
02/24/2014	11914	Yes	No
02/24/2014	11915	No	Yes
02/24/2014	11916	Yes	No
02/24/2014	11917	No	Yes
02/24/2014	11918	Yes	Yes
02/24/2014	11919	Yes	No
02/24/2014	11920	Yes	No
02/24/2014	11921	Yes	No
02/24/2014	11922	Yes	Yes
02/24/2014	11923	Yes	No
02/24/2014	11924	Yes	No
02/24/2014	11925	Yes	No
02/24/2014	11926	No	Yes
02/24/2014	11927	Yes	No
03/05/2014	11929	Yes	No
03/06/2014	11932	Yes	No
03/06/2014	11933	Yes	Yes
03/06/2014	11934	Yes	Yes
03/06/2014	11935	Yes	Yes
03/06/2014	11936	Yes	No
03/06/2014	11937	No	Yes
03/06/2014	11938	Yes	No
03/06/2014	11940	Yes	No
03/06/2014	11943	Yes	Yes
03/06/2014	11945	Yes	No
03/06/2014	11946	Yes	No
03/06/2014	11947	Yes	No
03/06/2014	11948	Yes	No
03/06/2014	11949	Yes	No
03/11/2014	11950	Yes	No
03/11/2014	11951	Yes	No
03/11/2014	11952	Yes	No
03/11/2014	11954	Yes	Yes
03/11/2014	11955	No	Yes
03/11/2014	11956	Yes	No
03/13/2014	11957	No	Yes
03/13/2014	11962	Yes	No
03/13/2014	11963	Yes	No
03/13/2014	11965	Yes	Yes
03/13/2014	11966	Yes	No

03/13/2014	11967	Yes	Yes
03/13/2014	11970	Yes	No
03/13/2014	11971	Yes	No
03/17/2014	11975	Yes	Yes
03/17/2014	11976	Yes	No
03/17/2014	11980	No	Yes
03/17/2014	11981	Yes	No
03/17/2014	11982	No	Yes
03/17/2014	11983	Yes	No
03/17/2014	11984	Yes	Yes
03/17/2014	11985	Yes	Yes
03/17/2014	11986	Yes	No
03/17/2014	11988	Yes	Yes
03/17/2014	11990	Yes	No
03/17/2014	11993	No	Yes
03/17/2014	11994	No	Yes
03/25/2014	11998	No	Yes
03/26/2014	12000	Yes	No
03/26/2014	12001	No	Yes
03/26/2014	12004	Yes	Yes
03/26/2014	12005	Yes	Yes
03/26/2014	12006	No	Yes
03/26/2014	12007	Yes	No
03/26/2014	12008	Yes	Yes
03/26/2014	12009	Yes	Yes
03/26/2014	12010	No	Yes
04/02/2014	12011	Yes	Yes
04/02/2014	12013	Yes	No
04/02/2014	12014	Yes	Yes
04/02/2014	12015	Yes	No
04/02/2014	12016	Yes	No
04/02/2014	12017	Yes	No
04/02/2014	12018	Yes	No
04/02/2014	12019	Yes	No
04/02/2014	12020	Yes	No
04/02/2014	12023	Yes	No
04/02/2014	12024	Yes	No
04/02/2014	12025	Yes	No
04/02/2014	12026	Yes	No
04/02/2014	12027	No	Yes
04/10/2014	12029	Yes	No
04/10/2014	12030	Yes	No
04/10/2014	12032	No	Yes

04/10/2014	12033	No	Yes
04/10/2014	12034	Yes	No
04/14/2014	12036	Yes	Yes
04/14/2014	12038	Yes	No
04/14/2014	12039	No	Yes
04/14/2014	12041	Yes	Yes
04/14/2014	12044	No	Yes
04/30/2014	12049	Yes	No
04/30/2014	12050	Yes	No
04/30/2014	12051	Yes	No
04/30/2014	12052	No	Yes
04/22/2014	12053	Yes	No
04/22/2014	12054	Yes	No
04/22/2014	12055	Yes	No
04/22/2014	12057	No	Yes
04/22/2014	12058	No	Yes
04/22/2014	12061	Yes	No
04/22/2014	12064	Yes	Yes
04/28/2014	12066	No	Yes
04/29/2014	12069	No	Yes
04/29/2014	12070	Yes	Yes
04/29/2014	12071	No	Yes
04/29/2014	12072	Yes	No
04/29/2014	12073	No	Yes
04/29/2014	12074	Yes	No
04/29/2014	12075	Yes	No
04/29/2014	12078	Yes	No
04/29/2014	12081	Yes	Yes
04/29/2014	12082	Yes	No
04/29/2014	12083	Yes	No
05/01/2014	12085	Yes	No
05/01/2014	12086	Yes	No
05/01/2014	12088	No	Yes
05/01/2014	12089	No	Yes
05/02/2014	12092	Yes	Yes
05/02/2014	12093	Yes	No
05/02/2014	12094	Yes	No
05/02/2014	12096	Yes	Yes
05/05/2014	12097	Yes	No
05/05/2014	12101	Yes	Yes
05/05/2014	12102	No	Yes
05/05/2014	12103	Yes	Yes
05/05/2014	12105	Yes	No

05/05/2014	12106	No	Yes
05/05/2014	12110	No	Yes
05/05/2014	12112	Yes	No
05/05/2014	12113	Yes	No
05/05/2014	12114	Yes	No
05/07/2014	12115	No	Yes
05/08/2014	12116	Yes	Yes
05/08/2014	12118	No	Yes
05/08/2014	12120	No	Yes
05/08/2014	12121	No	Yes
05/08/2014	12124	Yes	No
05/12/2014	12125	Yes	No
05/12/2014	12127	No	Yes
05/12/2014	12128	Yes	Yes
05/15/2014	12130	No	Yes
05/15/2014	12131	Yes	No
05/15/2014	12132	Yes	No
05/15/2014	12133	Yes	Yes
05/15/2014	12134	Yes	No
05/15/2014	12135	Yes	No
05/15/2014	12137	Yes	No
05/15/2014	12139	Yes	Yes
05/15/2014	12140	Yes	No
05/15/2014	12141	Yes	Yes
05/15/2014	12146	Yes	No
05/23/2014	12147	Yes	No
05/23/2014	12149	Yes	No
05/23/2014	12150	Yes	Yes
05/23/2014	12158	Yes	No
05/23/2014	12160	Yes	No
05/23/2014	12164	Yes	No
05/23/2014	12166	Yes	No
05/23/2014	12167	Yes	Yes
05/23/2014	12169	Yes	Yes
05/30/2014	12170	Yes	No
05/30/2014	12172	Yes	Yes
05/30/2014	12173	Yes	No
05/30/2014	12175	Yes	Yes
05/30/2014	12176	Yes	Yes
05/30/2014	12178	No	Yes
05/30/2014	12179	Yes	No
05/30/2014	12181	No	Yes
05/30/2014	12182	Yes	Yes

06/04/2014	12184	Yes	Yes
06/04/2014	12186	Yes	Yes
06/04/2014	12189	Yes	No
06/04/2014	12191	Yes	No
06/04/2014	12192	Yes	No
06/04/2014	12193	No	Yes
06/04/2014	12195	Yes	Yes
06/04/2014	12196	Yes	No
06/04/2014	12197	Yes	No
06/04/2014	12198	Yes	No
06/04/2014	12199	Yes	No
06/04/2014	12201	No	Yes
06/10/2014	12203	No	Yes
06/10/2014	12207	No	Yes
06/10/2014	12208	No	Yes
06/13/2014	12211	Yes	No
06/13/2014	12212	Yes	Yes
06/13/2014	12213	No	Yes
06/13/2014	12217	Yes	No
06/13/2014	12219	Yes	No
06/18/2014	12220	Yes	No
06/18/2014	12221	No	Yes
06/18/2014	12222	Yes	No
06/18/2014	12224	Yes	No
06/18/2014	12228	Yes	No
06/18/2014	12229	Yes	No
10/08/2014	12240	No	Yes
02/01/2016	I014156	Yes	No
02/01/2016	I014156	Yes	No
02/03/2016	I014158	Yes	Yes
02/03/2016	I014158	Yes	Yes
02/03/2016	I014159	Yes	Yes
02/04/2016	I014161	No	Yes
02/04/2016	I014162	No	Yes
02/04/2016	I014162	No	Yes
02/04/2016	I014163	Yes	No
02/04/2016	I014163	Yes	No
02/05/2016	I014165	No	Yes
02/05/2016	I014165	No	Yes
02/05/2016	I014166	No	Yes
02/05/2016	I014167	Yes	Yes
02/05/2016	I014167	Yes	Yes
02/05/2016	I014168	No	Yes

02/05/2016	I014168	No	Yes
02/06/2016	I014171	Yes	Yes
02/06/2016	I014171	Yes	Yes
02/06/2016	I014172	Yes	No
02/06/2016	I014172	Yes	No
02/06/2016	I014173	Yes	No
02/06/2016	I014173	Yes	No
02/06/2016	I014175	Yes	No
02/07/2016	I014176	Yes	No
02/07/2016	I014178	Yes	No
02/07/2016	I014180	Yes	No
02/10/2016	I014182	Yes	No
02/11/2016	I014185	Yes	Yes
02/12/2016	I014186	Yes	Yes
02/12/2016	I014188	Yes	No
02/12/2016	I014189	No	Yes
02/12/2016	I014191	Yes	No
02/13/2016	I014192	Yes	No
02/13/2016	I014193	Yes	Yes
02/13/2016	I014194	No	Yes
02/17/2016	I014203	Yes	No
02/18/2016	I014206	Yes	Yes
02/19/2016	I014208	Yes	Yes
02/19/2016	I014212	Yes	No
02/20/2016	I014216	Yes	Yes
02/20/2016	I014217	Yes	Yes
02/20/2016	I014218	Yes	Yes

CERTIFICATE OF MAILING

I certify that I sent a Finding of Violation, No. EPA-5-18-IL-13, by Certified Mail, Return Receipt Requested, to:

Tyler Oldroyd
Owner
Truckwurx, LLC
731 North 17th Street, Unit 3
St. Charles, Illinois 60174

I also certify that I sent copies of the Finding of Violation by email to:

Julie Armitage, Chief
Bureau of Air
Illinois Environmental Protection Agency
Julie.Armitage@Illinois.gov

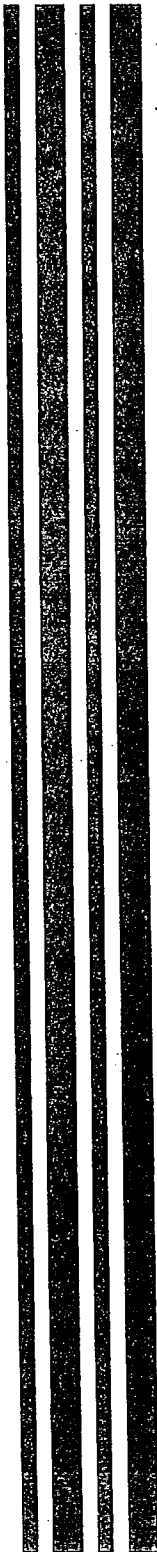
On the 17th day of July 2018.



Kathy Jones
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER:

7017 1070 0000 1030 0041



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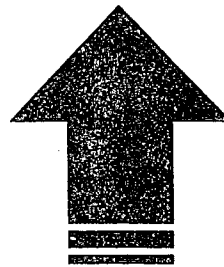
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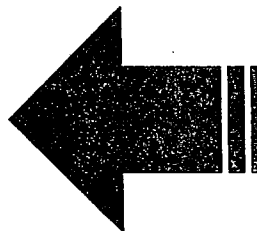
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Printed on 7/14/2015 9:49:31 AM



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 27 2018

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ken Blackford, Senior Operations Manager
Flint Group North America Corporation
3025 West Old Road 30
Warsaw, Indiana 46580

Re: Finding of Violation
Flint Group North America Corporation
Warsaw, Indiana

Dear Mr. Blackford:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Flint Group North America Corporation (Flint Group or you) under Section 113(a)(3) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(a)(3). We find that you have violated Section 112 of the CAA, at 42 U.S.C. § 7412, at your Warsaw, Indiana facility.

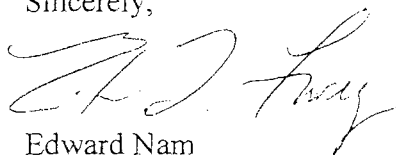
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contacts in this matter are Luke Hullinger and Jason Schenandoah. You may call them at (312) 886-3011 and (312) 886-9506, respectively, to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Nam", written in a cursive style.

Edward Nam

Director

Air and Radiation Division

cc: Phil Perry, Chief, Air Compliance Branch, PPERRY@idem.IN.gov

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Flint Group North America Corporation
Warsaw, Indiana**

Proceedings Pursuant to
the Clean Air Act,
42 U.S.C. §§ 7401 et seq.

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FINDING OF VIOLATION

EPA-5-18-IN-05

FINDING OF VIOLATION

The U.S. Environmental Protection Agency finds that Flint Group North America Corporation (Flint Group) is violating or has violated Section 112 of the Clean Air Act (CAA), 42 U.S.C. § 7412. Specifically, EPA finds that Flint Group is violating or has violated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Miscellaneous Coating Manufacturing at 40 C.F.R. Part 63, Subpart HHHHH (NESHAP HHHHH) and the NESHAP for Gasoline Distribution Facilities at 40 C.F.R. Part 63, Subpart R (NESHAP R) as follows:

Regulatory Authority

HAPs and NESHAPs

1. Pursuant to Section 112(b) of the CAA, 42 U.S.C. § 7412(b), EPA designates Hazardous Air Pollutants (HAPs) that present or may present a threat of adverse effects to human health or the environment.
2. Section 112(a) of the CAA, 42 U.S.C. § 7412(a), defines “major source” as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year (tpy) or more of any HAP or 25 tpy or more of any combination of HAPs.
3. Sections 112(c) and (d) of the CAA, 42 U.S.C. §§ 7412(c)-(d), require EPA to publish a list of categories of sources that EPA finds present a threat of adverse effects to human health or the environment due to emissions of HAPs, and to promulgate emission standards for each source category. These standards are known as “national emission standards for hazardous air pollutants” or “NESHAP.” EPA codifies these requirements at 40 C.F.R. Parts 61 and 63.
4. The NESHAP in 40 C.F.R. Part 63 are national technology-based performance standards for HAP sources in each category that become effective on a specified date. The purpose of these standards is to ensure that all sources achieve the maximum degree of reduction in emissions of HAPs that EPA determines is achievable for each source category.

5. Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3), prohibits any person subject to a NESHAP from operating an existing source in violation of a NESHAP after its effective date. See 40 C.F.R. § 63.4.
6. The NESHAP, at 40 C.F.R. Part 63, Subpart A, contains general provisions applicable to the owner or operator of any stationary source that contains an affected source subject to a relevant standard in 40 C.F.R. Part 63, to the extent specified in such standard.

The NESHAP for Miscellaneous Coating Manufacturing, Subpart HHHHH

7. The NESHAP HHHHH for Miscellaneous Coating Manufacturing applies to owners or operators of miscellaneous coating manufacturing operations. 40 C.F.R. § 63.7985.
8. NESHAP HHHHH, at 40 C.F.R. § 63.7985(a), states you are subject to the requirements of NESHAP HHHHH if you are located at or are a part of a major source of HAP emissions, as defined in Section 112(a) of the CAA; manufacture coatings as defined in 40 C.F.R. § 63.8105; process, use, or produce HAP; and are not part of an affected source under another Subpart of this Part 63.
9. NESHAP HHHHH, at 40 C.F.R. § 63.8105(g), defines a coating as “a material such as paint, ink, or adhesive that is intended to be applied to a substrate and consists of a mixture of resins, pigments, solvents, and/or other additives, where the material is produced by a manufacturing operation where materials are blended, mixed, diluted, or otherwise formulated. Coating does not include materials made in processes where a formulation component is synthesized by chemical reaction or separation activity and then transferred to another vessel where it is formulated to produce a material used as a coating, where the synthesized or separated component is not stored prior to formulation. Typically, coatings include products described by the following North American Industry Classification System (NAICS) codes, code 325510, Paint and Coating Manufacturing, code 325520, Adhesive and Sealant Manufacturing, and code 325910, Ink Manufacturing.”
10. NESHAP HHHHH, at 40 C.F.R. § 63.7985, states that miscellaneous coating manufacturing operations include the facility wide collection of equipment including process vessels; storage tanks for feed products; components such as pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, instrumentation systems; and wastewater tanks and transfer racks.
11. NESHAP HHHHH, at 40 C.F.R. § 63.8015(a), states “[y]ou must meet each requirement in Table 3 to this subpart that applies to your equipment leaks...”
12. NESHAP HHHHH, at Table 3, states that for all equipment that is in organic HAP service at an existing source, you must comply with the requirements in 40 C.F.R. §§ 63.424(a) through (d) and 63.428(e), (f), and (h)(4), except as specified in 40 C.F.R. § 63.8015(b); or comply with the requirements of Subpart TT of this part; or comply with the requirements of Subpart UU of this part, except as specified in 40 C.F.R. §§ 63.8015(c) and (d).

13. NESHAP HHHHH, at 40 C.F.R. § 63.8105(g), states “in organic HAP service means that a piece of equipment either contains or contacts a fluid (liquid or gas) that is at least 5 percent by weight of total organic HAP as determined according to the provisions of § 63.180(d). The provisions of § 63.180(d) also specify how to determine that a piece of equipment is not in organic HAP service.”
14. NESHAP HHHHH, at 40 C.F.R. § 63.8100, states that this subpart can be implemented and enforced by the U.S. Environmental Protection Agency.

The NESHAP for Gasoline Distribution Facilities, Subpart R

15. As specified at Table 3 of NESHAP HHHHH, the provisions of the National Emission Standards for Gasoline Distribution Facilities at 40 C.F.R. §§ 63.424 (a) through (d) and 40 C.F.R. §§ 63.428(e), (f), and (h)(4), except as specified in 40 C.F.R. § 63.8015(b), apply to equipment in organic HAP service at miscellaneous coating manufacturing operations.¹
16. NESHAP R, at 40 C.F.R. § 63.421 defines equipment as “each valve, pump, pressure relief device, sampling connection system, open-ended valve or line, and flange or other connector in the gasoline liquid transfer and vapor collection systems....”
17. NESHAP R, at 40 C.F.R. § 63.424(a), states “[e]ach owner or operator of a bulk gasoline terminal or pipeline breakout station subject to the provisions of this subpart shall perform a monthly leak inspection of all equipment in gasoline service. For this inspection, detection methods incorporating sight, sound, and smell are acceptable. Each piece of equipment shall be inspected during the loading of a gasoline cargo tank.”
 - a. NESHAP HHHHH, at 40 C.F.R. § 63.8015(b), provides “[w]hen § 63.424(a) refers to ‘a bulk gasoline terminal or pipeline breakout station subject to the provisions of this subpart,’ the phrase ‘a miscellaneous coating manufacturing affected source subject to 40 C.F.R. part 63, subpart HHHHH’ shall apply for the purposes of this subpart.”
 - b. NESHAP HHHHH, at 40 C.F.R. § 63.8015(b), provides “[w]hen § 63.424(a) refers to ‘equipment in gasoline service,’ the phrase ‘equipment in organic HAP service’ shall apply for the purposes of this subpart.”
 - c. NESHAP HHHHH, at 40 C.F.R. § 63.8015(b), provides “[w]hen § 63.424(a) specifies that ‘each piece of equipment shall be inspected during loading of a gasoline cargo tank,’ the phrase ‘each piece of equipment must be inspected when it is operating in organic HAP service’ shall apply for the purposes of this subpart.”

¹ Alternatively, affected sources under NESHAP HHHHH may “comply with the requirements of subpart TT of this part; or [c]omply with the requirements of subpart UU of this part, except as specified in § 63.8015(c) and (d).”

18. NESHAP R, at 40 C.F.R. § 63.424(b), states “A log book shall be used and shall be signed by the owner or operator at the completion of each inspection. A section of the log shall contain a list, summary description, or diagram(s) showing the location of all equipment in gasoline service at the facility.”
19. NESHAP R, at 40 C.F.R. § 63.424(c), states “Each detection of a liquid or vapor leak shall be recorded in the log book. When a leak is detected, an initial attempt at repair shall be made as soon as practicable, but no later than 5 calendar days after the leak is detected. Repair or replacement of leaking equipment shall be completed within 15 calendar days after detection of each leak, except as provided in paragraph (d) of this section.”
20. NESHAP R, at 40 C.F.R. § 63.428(e) states that each owner or operator complying with the provisions of 40 C.F.R. § 63.424(a)-(d) shall record the following information in the log book for each leak that is detected:
 - a. The equipment type and identification number;
 - b. The nature of the leak (i.e., vapor or liquid) and the method of detection (i.e., sight, sound, or smell);
 - c. The date the leak was detected and the date of each attempt to repair the leak;
 - d. Repair methods applied in each attempt to repair the leak;
 - e. “Repair delayed” and the reason for the delay if the leak is not repaired within 15 calendar days after discovery of the leak;
 - f. The expected date of successful repair of the leak if the leak is not repaired within 15 days; and
 - g. The date of successful repair of the leak.
21. NESHAP R, at 40 C.F.R. § 63.428(f), states that each owner or operator subject to the provisions of 40 C.F.R. § 63.424 shall report to the Administrator a description of the types, identification numbers, and locations of all equipment in gasoline service. Further, 40 C.F.R. § 63.428(f)(1) states that, in the case of an existing source, the report shall be submitted with the notification of compliance status required under 40 C.F.R. § 63.9(h).

Findings of Fact

22. Flint Group owns and operates an ink manufacturing facility at 3025 West Old Road 30, Warsaw, Indiana (the Facility).
23. As provided in its permit under Title V of the CAA (Permit), Flint Group emits toluene and other HAPs in a combined quantity of over 25 tpy, and is thus a major source of HAPs, as defined in Section 112(a) of the CAA, 42 U.S.C. § 7412(a).

24. Flint Group produces a material such as paint, ink, or adhesive that is intended to be applied to a substrate and consists of a mixture of resins, pigments, solvents, and/or other additives, where the material is produced by a manufacturing operation where materials are blended, mixed, diluted, or otherwise formulated and is, therefore, subject to NESHAP HHHHH.
25. As provided in its Permit, Flint Group operates existing sources under NESHAP HHHHH.
26. On April 9, 2018 and April 10, 2018, EPA conducted an unannounced CAA inspection of the Facility for compliance with NESHAP HHHHH and the applicable equipment leaks or leak repair and detection (LDAR) NESHAP (the April Inspection).
27. During the April Inspection, EPA requested records of any pressure relief device repairs. Flint Group personnel did not provide any records and stated that they only check the pressure relief devices once a quarter or every six months.
28. During the April Inspection, EPA requested any documentation that showed which components were monitored at the Facility. Flint Group personnel stated that they did not have any documents on site that showed which components were monitored at the Facility.
29. During the April Inspection, EPA reviewed copies of Flint Group's semi-annual compliance reports and, after the inspection, received copies of these reports by email, for December 1, 2013 through November 30, 2017. Each semi-annual compliance report contains an attached LDAR inspection and leak detection logbook (Logbook Attachment(s)).
30. None of the Logbook Attachments from December 1, 2013 through November 30, 2017 contains a list, summary description, or diagram(s) showing the location of all equipment in organic HAP service at the Facility.
31. Every Logbook Attachment from December 1, 2013 through November 30, 2017 reported zero leaks from equipment at the Facility.
32. During the April Inspection, Flint Group personnel stated that leaks have been found during times other than when monthly monitoring was conducted, but that those leaks and subsequent repairs were not recorded or reported. Further, Flint Group personnel stated that only the leaks detected during required monitoring periods were recorded and reported.
33. After the April Inspection, EPA requested that Flint Group provide a copy of its Notification of Compliance for NESHAP HHHHH (Initial Notification).
34. Flint Group provided a copy of the Initial Notification by email on July 17, 2018.
35. The Initial Notification provides process flow diagrams that appear to show all equipment at the Facility. However, the process flow diagrams do not identify which components of

the flow diagram are subject to periodic monitoring nor do they describe the types of equipment to be monitored or which equipment is in organic HAP service.

36. Attachment C of the Initial Notification provides an example of the logbook that Flint Group uses for leak monitoring at the Facility. The logbook at Attachment C contains no list, summary description, or diagram(s) showing the location of all equipment in organic HAP service was provided in Attachment C.
37. The Initial Notification states that Flint Group will comply with NESHAP R to fulfill its requirements under NESHAP HHHHH, 40 C.F.R. § 63.8015(a) and Table 3.
38. Flint Group's semi-annual compliance reports contain reports under Subpart TT to fulfill its requirements under NESHAP HHHHH, 40 C.F.R. § 63.8015(a) and Table 3.
39. However, on September 7, 2018, Flint Group personnel Ken Blackford, confirmed by email that the Facility has intended to comply with NESHAP R to fulfill its requirements under NESHAP HHHHH, 40 C.F.R. § 63.8015(a) and Table 3.

Alleged Violations

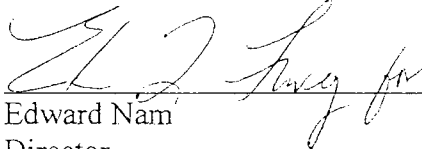
40. Flint Group's monitoring of pressure relief devices less frequently than on a monthly basis, as described in paragraph 27, constitutes violations of 40 C.F.R. § 63.424(a).
41. Flint Group's failure to include in its logbook in the Initial Notification and the Logbook Attachments a list, summary description, or diagram(s) showing the location of all equipment in organic HAP service (and failure to provide a logbook containing the same during the April Inspection), as described in paragraphs 28 through 30 and 35 through 36, constitutes violations of 40 C.F.R. § 63.424(b).
42. Flint Group's failure to record the equipment type and identification number, the nature of the leak, the date the leak was detected, each attempt to repair the leak, methods of repair, any delay of repair, or the date of successful repair of every leak that occurred at the Facility, as described in paragraph 32, constitutes violations of 40 C.F.R. §§ 63.424(c) and 63.428(e).
43. Flint Group's failure to identify which components are in organic HAP service and subject to periodic monitoring (and the type of equipment of each component) in the Initial Notification, as described in paragraphs 35 through 36, constitutes violations of 40 C.F.R. § 63.428(f).

Environmental Impact of Violations

44. These violations can lead to excess emissions of Volatile Organic Compounds (VOCs) and HAPs.

45. VOCs contribute to ozone formation which can result in adverse effects to human health and vegetation. Ozone can penetrate different regions of the respiratory tract and can be absorbed through the respiratory system.
46. HAP emissions can lead to adverse health effects including cancer, respiratory irritation, and damage to the nervous system.

9/17/18
Date


Edward Nam
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I certify that I sent a Finding of Violation, No. EPA-5-18-IN-05, by Certified Mail, Return Receipt Requested, to:

Ken Blackford, Senior Operations Manager
Flint Group North America Corporations
3025 Old West 30
Warsaw, Indiana 46580

I also certify that I sent copies of the Finding of Violation by first-class mail to:

Phil Perry, Chief
Air Compliance Branch
Office of Air Quality
Indiana Department of Environmental Management
PPERRY@idem.IN.gov

On the 27th day of September 2018

Kathy Jones

Kathy Jones
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7017 0530 0000 6287 1870

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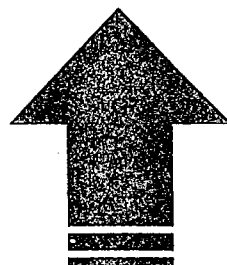
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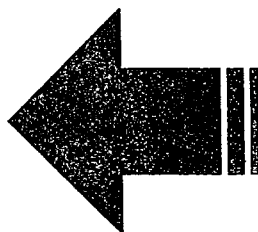
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

SEP 26 2018

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Kovaleski, Plant Manager
PPG Industries, Inc.
10800 S. 18th Street
Oak Creek, Wisconsin 53154

Re: Notice and Finding of Violation
PPG Industries, Inc.
Oak Creek, Wisconsin

Dear Mr. Kovaleski:

The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to PPG Industries, Inc. (PPG or you) under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). We find that you are violating your Title V operating permit, the Wisconsin State Implementation Plan and the National Emission Standards for Organic Hazardous Air Pollutants (NESHAP) for Miscellaneous Organic Chemical Manufacturing and for Miscellaneous Coating Manufacturing found at 40 C.F.R. Subparts FFFF and HHHHH, respectively, at your Oak Creek, Wisconsin facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Luke Hullinger. You may call him at (312) 886-3011 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Nam', with a stylized flourish at the end.

Edward Nam
Director
Air and Radiation Division

Enclosure

cc: Michael Szabo, Wisconsin Department of Natural Resources
Kendra Fisher, Wisconsin Department of Natural Resources

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**PPG Industries, Inc.
Oak Creek, Wisconsin**

Proceedings Pursuant to
the Clean Air Act,
42 U.S.C. §§ 7401 et seq.

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) **NOTICE AND FINDING
OF VIOLATION**
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EPA-5-18-WI-05

NOTICE AND FINDING OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Notice and Finding of Violation (NOV/FOV) under Section 113(a) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a). EPA finds that PPG Industries, Inc. (PPG) is violating the conditions of its Title V Operating Permit, the Wisconsin State Implementation Plan (SIP), the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Miscellaneous Organic Chemical Manufacturing at 40 C.F.R. Part 63, Subpart FFFF, and the NESHAP for Miscellaneous Coating Manufacturing at 40 C.F.R. Part 63, Subpart HHHHH at your Oak Creek, Wisconsin facility (the Facility) as follows:

Regulatory Authority

Title V Permit Program

1. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, establishes an operating permit program for major sources of air pollution.
2. In accordance with Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), the EPA promulgated regulations establishing the minimum elements of a Title V permit program to be administered by any air pollution control agency. *See* 57 Fed. Reg. 32295 (July 21, 1992). Those regulations are codified at 40 C.F.R. Part 70.
3. Section 502(d) of the CAA, 42 U.S.C. § 7661a(d), provides that each state must submit to the EPA a permit program meeting the requirements of Title V.
4. On November 30, 2001, EPA granted Wisconsin final approval of its Title V CAA Permit Program, effective November 30, 2001. 66 Fed. Reg. 62951. *See also* 40 C.F.R. Part 70, Appendix A.
5. On February 28, 2006, EPA granted Wisconsin final approval on revisions to its Title V CAA Permit Program, effective March 30, 2006. 71 Fed. Reg. 9934.
6. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of

the CAA, no source subject to Title V may operate except in compliance with a Title V permit.

Title V Operating Permit

7. On July 29, 2013, the Wisconsin Department of Natural Resources (WDNR) issued to PPG the Title V Operating Permit Number 241014620-P12 (Title V Permit).
8. Title V Permit Section I.A.3 describes the compliance requirements of Subpart HHHHH applicable to the coating manufacturing operations at the Facility, including those described in Paragraphs 39 – 45, below.
9. Title V Permit Section I.B.3 describes the compliance requirements of Subpart FFFF applicable to the synthetic resin manufacturing operations at the Facility, including those described in Paragraphs 26 – 36, below.
10. Title V Permit Section I.F.3 describes the compliance requirements of Subpart FFFF applicable to the above group storage tank farm at the Facility, including those described in Paragraphs 26 – 31 and 37 – 38, below.

Wisconsin State Implementation Plan

11. On January 18, 1995, EPA approved Wisc. Admin. Code Chapter NR 407 as part of the federally enforceable SIP for Wisconsin. 60 Fed. Reg. 3543.
12. The Wisconsin SIP, at Wisc. Admin. Code § NR 407.09(1)(f), states that a permittee has a duty to comply with all conditions of an operation permit.
13. The Wisconsin SIP, at Wisc. Admin. Code § NR 407.09(3), states that all terms and conditions in an operation permit, including any provisions designated to limit a stationary source's potential to emit, are enforceable by the EPA Administrator under Section 113(a) of the CAA, 42 U.S.C. § 7413(a).
14. The Wisconsin SIP, at Wisc. Admin. Code § NR 407.09(1)(f)(1), provides that any noncompliance with the operation permit constitutes a violation of the Wisconsin SIP and is grounds for enforcement action, permit suspension, revocation or revision, or, if applicable, under Wisc. Admin. Code § NR 144.3925(6), denial of a permit renewal application.

National Emission Standards for Hazardous Air Pollutants

15. Section 112 of the CAA, 42 U.S.C. § 7412, requires the EPA to promulgate a list of all categories and subcategories of new and existing “major sources” and “area sources” of hazardous air pollutants (HAP) and establish emissions standards for the categories and subcategories. These emission standards are known as the NESHAP. The EPA codified these standards at 40 C.F.R. Parts 61 and 63.

16. “Major source” is defined as “any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants.” 42 U.S.C. § 7412(a)(1).
17. “Area source” is defined as “any stationary source of hazardous air pollutants that is not a major source.” 42 U.S.C. § 7412(a)(2).
18. “Stationary source” is defined as “any building, structure, facility, or installation, which emits or may emit any air pollutant.” 42 U.S.C. § 7411(a)(3).
19. “Hazardous air pollutant” is defined as “any air pollutant listed in or pursuant to [Section 112(b) of the CAA].” 42 U.S.C. § 7412(a)(6).
20. Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3), prohibits any person subject to a NESHAP from operating a source in violation of a NESHAP after its effective date. *See also* 40 C.F.R. §§ 61.05 and 63.4.
21. The NESHAP at 40 C.F.R. Part 63, Subpart A, includes general provisions applicable to the owner or operator of any stationary source that contains an affected facility subject to the NESHAP at Part 63. These include definitions at 40 C.F.R. § 63.2.
22. The NESHAP at 40 C.F.R. § 63.2 defines “existing source” as any affected source that is not a new source.
23. The NESHAP at 40 C.F.R. § 63.2 defines “new source” any affected source the construction or reconstruction of which is commenced after EPA first proposes a relevant emission standard under 40 C.F.R. Part 63 establishing an emission standard applicable to such source.
24. The NESHAP at 40 C.F.R. § 63.2 defines “fugitive emissions” as those emissions from a stationary source that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. Under Section 112 of the CAA, all fugitive emissions are to be considered in determining whether a stationary source is a major source.
25. The NESHAP at 40 C.F.R. § 63.6(e) states:

At all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. During a period of startup, shutdown, or malfunction, this general duty to minimize emissions requires that the owner or operator reduce emissions from the affected source to the greatest extent which is consistent with safety and good air pollution control practices. The general duty to minimize emissions during a period of startup, shutdown, or malfunction does not require

the owner or operator to achieve emission levels that would be required by the applicable standard at other times if this is not consistent with safety and good air pollution control practices, nor does it require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures (including the startup, shutdown, and malfunction plan required in paragraph (e)(3) of this section), review of operation and maintenance records, and inspection of the source.

Miscellaneous Organic Chemical Manufacturing NESHAP

26. On November 10, 2003, EPA promulgated the NESHAP for Miscellaneous Organic Chemical Manufacturing, codified at 40 C.F.R. Part 63, Subpart FFFF (Subpart FFFF). 68 Fed. Reg. 63888. Subpart FFFF establishes emission standards, requirements to demonstrate initial and continuous compliance with emission limits, operating limits, work practice standards, and recordkeeping requirements associated with miscellaneous organic chemical manufacturing. *See* 40 C.F.R. § 63.2430.
27. Subpart FFFF at 40 C.F.R. § 63.2445(b) provides that owners and operators of existing sources subject to Subpart FFFF must comply with the requirements for existing sources no later than May 10, 2008.
28. Subpart FFFF at 40 C.F.R. § 63.2435(a) provides that owners and operators are subject to the Subpart FFFF if they operate miscellaneous organic chemical manufacturing process units (MCPU) that are located at, or are part of, a major source of HAP emissions as defined in Section 112(a) of the CAA.
29. Subpart FFFF at 40 C.F.R. § 63.2550 defines “miscellaneous organic chemical manufacturing process” as all equipment which collectively functions to produce a product or isolated intermediate that is “material” as that term is described in 40 C.F.R. § 63.2435(b). Process includes any, all or a combination of reaction, recovery, separation, purification, or other activity, operation, manufacture, or treatment which are used to produce a product or isolated intermediate.
30. Subpart FFFF at 40 C.F.R. § 63.2435(b) provides that a MCPU includes equipment necessary to operate a miscellaneous organic chemical manufacturing process that, among other things, processes, uses or generates any of the organic HAPs listed in Section 112(b) of the CAA. A MCPU also includes any assigned storage tanks and transfer racks; equipment in open systems that is used to convey or store water having the same concentration and flow characteristics as wastewater; and equipment such as pumps, compressors, agitators, pressure relief devices, sampling connection systems, open ended valves or lines, valves, connectors, and instrumentation systems that are used to manufacture any material or family, including but not limited to an organic chemical with an SIC code listed in 40 C.F.R. § 63.2435(b)(1)(i).

31. Subpart FFFF at 40 C.F.R. § 63.2550 defines “in organic HAP service” to mean a piece of equipment that either contains or contacts a fluid (liquid or gas) that is at least 5 percent by weight of total organic as determined according to Method 18 of 40 C.F.R. Part 60, Appendix A. *See also* 40 C.F.R. § 63.180(d)(1).
32. Subpart FFFF at 40 C.F.R. § 63.2480 and Table 6 list the requirements for leaks for equipment that is in organic HAP service, and includes the standards set forth in the National Emission Standards for Equipment Leaks, Control Level 2 Standards, at 40 C.F.R. Part 63 Subpart UU (Subpart UU).
33. Subpart UU at 40 C.F.R. § 63.1023(b) provides that monitoring shall comply with Method 21, of 40 C.F.R. Part 60, Appendix A.
34. Subpart UU at 40 C.F.R. § 63.1026(b)(4) requires weekly visual inspections of pumps. Specifically, 40 C.F.R. § 63.1026(b)(4) states:

Each pump shall be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal. The owner or operator shall document that the inspection was conducted and the date of the inspection. If there are indications of liquids dripping from the pump seal at the time of the weekly inspection, the owner or operator shall follow the procedure specified in either paragraph (b)(4)(i) or (b)(4)(ii) of [40 C.F.R. § 63.1026].

35. Subpart UU at 40 C.F.R. § 63.1023(b)(2) provides:

Detection instrument performance criteria. (i) Except as provided for in paragraph (b)(2)(ii) of [40 C.F.R. § 63.1023], the detection instrument shall meet the performance criteria of Method 21 of 40 CFR part 60, appendix A, except the instrument response factor criteria in section 3.1.2, paragraph (a) of Method 21 shall be for the representative composition of the process fluid not each individual [volatile organic chemical (VOC)] in the stream. For process streams that contain nitrogen, air, water or other inerts that are not HAP or VOC, the representative stream response factor shall be determined on an inert-free basis. The response factor may be determined at any concentration for which monitoring for leaks will be conducted.

36. Subpart UU at 40 C.F.R. § 63.1023 (b)(1) states that:

Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve, except as provided in [40 C.F.R.] §§ 63.1021(b), 63.1036, 63.1037, and paragraphs (c) and (d) of [40 C.F.R. § 63.1023]. The cap, blind flange, plug, or second valve shall seal the open end at all times except during operations requiring process fluid flow through the open-ended valve or line, or during maintenance. The operational

provisions of paragraphs (b)(2) and (b)(3) of [40 C.F.R. § 63.1023] also apply.

- 37. Subpart FFFF at 40 C.F.R. § 63.2470(a) states that “[y]ou must meet each emission limit in Table 4 to [Subpart FFFF] that applies to your storage tanks, and you must meet each applicable requirement specified in paragraphs (b) through (e) of [40 C.F.R. § 63.2470].”
- 38. Subpart FFFF at Table 4 requires Group 1 Tanks to “[r]educe total HAP emissions by ≥ 95 percent by weight or to ≤ 20 ppmv of TOC or organic HAP and ≤ 20 ppmv of hydrogen halide and halogen HAP by venting emissions through a closed vent system to any combination of control devices.”

Miscellaneous Coating Manufacturing NESHAP

- 39. On December 11, 2003, EPA promulgated the NESHAP for Miscellaneous Coating Manufacturing, codified at 40 C.F.R. Part 63, Subpart HHHHH (Subpart HHHHH). 68 Fed. Reg. 69185. Subpart HHHHH establishes emission standards, requirements to demonstrate initial and continuous compliance with emission limits, operating limits, work practice standards, and recordkeeping requirements associated with miscellaneous coating manufacturing. *See* 40 C.F.R. § 63.7980.
- 40. Subpart HHHHH at 40 C.F.R. § 63.7995(b) provides that owners and operators of existing sources subject to Subpart HHHHH must comply with the requirements no later than December 11, 2006.
- 41. Subpart HHHHH at 40 C.F.R. § 63.7985 provides that owners and operators are subject to Subpart HHHHH if they operate miscellaneous coating manufacturing process units that are located at, or are part of, a major source of HAP emissions as defined in Section 112(a) of the CAA.
- 42. Subpart HHHHH at 40 C.F.R. § 63.8005(a) states that “[y]ou must meet each emission limit and work practice standard in Table 1 to this subpart that applies to you, and you must meet each applicable requirement specified in §63.8000(b), except as specified in paragraphs (a)(1)(i) and (ii) of [40 C.F.R. § 63.8005].”
- 43. Subpart HHHHH at Table 1 states:

For each Stationary process vessel at an existing source [y]ou must [e]quip the vessel with a cover or lid that must be in place at all times when the vessel contains a HAP, except for material additions and sampling; or [c]onsidering both capture and any combination of control (except a flare), reduce emissions of organic HAP with a vapor existing pressure ≥ 0.6 kPa by ≥ 75 percent by weight, and reduce emissions of organic HAP with a vapor pressure < 0.6 kPa by ≥ 60 percent by weight.
- 44. Subpart HHHHH at 40 C.F.R. § 63.7980(a) states that “[y]ou must meet each requirement in Table 4 to this [Subpart HHHHH] that applies to your wastewater streams,

and you must meet each applicable requirement specified in [40 C.F.R.] §63.8000 and paragraphs (b) through (d) of [40 C.F.R. § 63.7980].”

45. Subpart HHHHH at Table 4 states that “[f]or each wastewater tank used to store a Group 1 wastewater stream maintain a fixed roof, which may have openings necessary for proper venting of the tank, such as pressure/vacuum vent or j-pipe vent.”

Factual Background and Findings

46. PPG owns and operates the Facility, a coatings and resin manufacturing facility at 10800 South 13th Street, Oak Creek, Wisconsin.
47. The Facility includes resin and paint manufacturing plants that produce resins, paints, and coatings for industrial applications. The chemicals that PPG processes at the Facility include, but are not limited to, methyl isobutyl ketone (MIBK), toluene, xylene, and ethylbenzene, which are all HAPs listed under Section 112(b) of the CAA, 42 U.S.C. § 7412(b).
48. On October 7, 2008, PPG submitted to WDNR a Notification of Compliance Status for Subpart FFFF.
49. The Facility is a major source of HAP emissions, as defined in Section 112(a) of the CAA.
50. EPA conducted a CAA inspection of the Facility from April 30, 2018 to May 3, 2018 (Inspection).
51. PPG owns and operates an MCPU located at the Facility that is a major source of HAP. Thus, PPG owns and operates an MCPU (the resin plant and associated operations) that is subject to Subpart FFFF.
52. PPG operates equipment at the Facility that includes, but is not limited to, pumps, connectors, open-ended lines, valves, and pressure relief devices that operate in HAP service for 300 hours or more during the calendar year, and are therefore subject to standards for equipment leaks pursuant to Table 4 of Subpart FFFF.
53. PPG conducts leak detection and repair (LDAR) on components subject to Subpart FFFF and maintains all LDAR data in an electronic database. PPG provided a copy of its LDAR database to EPA during the Inspection.
54. During the Inspection, EPA conducted LDAR monitoring per EPA Reference Method 21 in the Facility’s resin plant.
55. The Facility’s resin plant operates on a batch schedule. During the Inspection, EPA coordinated with the process operators to confirm process equipment and storage tanks were in organic HAP service, not under vacuum, and operating under normal conditions, at the time EPA conducted LDAR monitoring per Method 21.

56. During the Inspection the technician that performs LDAR on behalf of PPG stated that PPG does not confirm that the monitored equipment is in VOC/HAP service during the time of inspections in the regular course of business.
57. During the Inspection, EPA detected 4 leaking open-ended lines. Table A shows EPA's open-ended line leak monitoring results during the Inspection:

Table A – Open-Ended Lines Leak Details from Leak Monitoring Results Conducted by EPA During the April 30 – May 3, 2018 Inspection

Tag Number	Location Notes	Component Type	EPA Reading parts per million (ppm)	Confirmation Reading (ppm)
	S Meter Station – MIBK double block and bleed line	Open-ended line	1,100	550
3409	S Meter Station – Amine feed line	Open-ended line	600, Visual drip	
7508	Poly Tank Line	Open-ended line	Visual drip	
	S Meter Station – MIBK feed line	Open-ended line	1,900	1,700

58. On October 7, 2008, PPG submitted a letter to Wisconsin DNR classifying tanks into regulatory groups including classifying Tanks 103-156, Tank 1901, and Tank 1902 as Group 1 Tanks.
59. During the Inspection, EPA detected leaks from several tanks not in the waste treatment area. Table B shows EPA's tank leak monitoring results from the Inspection:

Table B – Leak Monitoring Results in Storage Tanks Not in Waste Treatment Area Conducted by EPA During the April 30 – May 3, 2018 Inspection

Tank Number	Component Type	EPA Reading (ppm)
114	Hatch	4,800
118	Conservation vent	1,400
137	Connector	700
110	Hatch	2,400
147	Conservation vent	550
142	Hatch	550
120	Hatch	1,300

60. During the Inspection EPA detected leaks from several tanks in the waste treatment area. Table C shows EPA's tank leak monitoring results for tanks in the waste treatment area from the Inspection:

Table C – Leak Monitoring Results in Storage Tanks in the Waste Treatment Area Conducted by EPA During the April 30 – May 3, 2018 Inspection

Tank Number	Component Type	EPA Reading (ppm)
1901	Hatch	3,400
1902	Open hatch	Flame out
1903	Unbolted hatch	1,700

61. During the Inspection, PPG explained that during the addition of powder pigments in the paint production process, emissions were rerouted from the paint regenerative thermal oxidizer (RTO) to the to the baghouse in order to maintain the operating life of the RTO.
62. On May 18, 2018, PPG submitted various documents requested by EPA during the Inspection including emissions calculations and specifications for the dust collection filters in the paint manufacturing process.
63. In review of the documentation submitted by PPG, EPA determined that PPG has conducted no assessment of additional VOCs and HAPs caused by rerouting emissions from the RTO to the baghouse during times of powder addition, and that the baghouse manufacturing specifications indicate no control efficiency for VOCs and HAPs.
64. During the Inspection, EPA discovered a high number of leaks at the paint plant mixing vessels' agitators, conservation vents, and hatches. *See Attachment A, Inspection Report Appendix A, PPG Monitoring Results.*
65. On June 13, 2018, PPG provided copies of all pump visual inspections for the time period 2013 to present. Records provided by PPG show only monthly inspections conducted at each pump.
66. During the Inspection, EPA noted an unbolted hatch on the top of Tank 1907, which was identified as the Paint Plant Wastewater Treatment tank. EPA documented concentrations of 2,500 ppm at Tank 1907. EPA also noted an unbolted hatch on top of Tank 1903, which was identified as the Paint Plant/Cationic Wash Water tank. EPA documented concentrations of 1,700 ppm at Tank 1903.¹

¹ Table C includes these emissions.

Violations

General Provisions Violation

67. PPG failed to operate and maintain their paint production process in a manner consistent with safety and good air pollution control practices for minimizing emissions by rerouting VOC and HAPs emissions from the RTO to the baghouse during times of powder addition, as required by 40 C.F.R. § 63.6(e) as detailed in paragraphs 61 and 63.

Subpart FFFF Violations

68. PPG failed to conduct weekly visual inspections on pumps from 2013 through the present, as required by 40 C.F.R. § 63.1026(b)(4), as detailed in Paragraph 65 above.
69. PPG failed to verify equipment was in organic HAP service prior to monitoring for leaks, as required by 40 C.F.R. § 63.2480(a), Table 6 of Subpart FFFF, and 40 C.F.R. § 63.1023(b)(2), as detailed in Paragraph 55 and 56.
70. PPG failed to seal open-ended lines during operations that did not require process fluid flow or maintenance, as required by 40 C.F.R. §§ 63.2480(a) and 63.1033(b)(1), as detailed in Paragraph 57 and Table A.
71. PPG failed to meet Group 1 storage tank requirements for various storage tanks in the resin plant bulk storage tank farm, as well as the storage tanks in the waste treatment area at the Facility; EPA identified HAP emissions being released to the atmosphere during normal operations, which resulted in failing to reduce HAP emissions by less than or equal to 95 percent, by weight, for each Group 1 storage tank, as required by 40 C.F.R. § 63.2470(a) and Table 4 of Subpart FFFF, as detailed in Paragraphs 58, 59, and Table B.

Subpart HHHHH Violations

72. PPG failed to meet the emission limits, capture and control efficiency requirements for stationary process vessels, as required by 40 C.F.R. § 63.8005(a) and Table 1 of Subpart HHHHH. EPA documented stationary process vessels releasing uncontrolled emissions to the atmosphere under normal operating conditions, as detailed in Paragraph 64.
73. PPG failed to meet the emission limits and work practice standards for wastewater streams, by not maintaining a fixed roof for wastewater tanks used to store Group 1 wastewater streams, as required by 40 C.F.R. § 63.8020(a) and Table 4 of Subpart HHHHH, as detailed in Paragraph 60 and Table C.

Title V Permit Violations

74. The violations of Subpart FFFF described above in paragraphs 68 – 70 are also violations of Section I.B.3 of the Title V Permit.

75. The violations of Subpart FFFF described above in paragraph 71 are also violations of Section I.F.3 of the Title V Permit.
76. The violations of Subpart HHHHH described above in paragraphs 72 and 73 are also violations of Section I.A.3 of the Title V Permit.

Wisconsin SIP Violations

77. PPG's violations of the Title V Permit, described above, are violations of Wisc. Admin. Code § NR 407.09(1)(f) of the Wisconsin SIP.

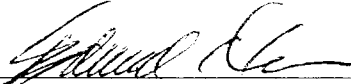
Environmental Impact of Violations

78. VOC contribute to ozone formation which can result in adverse effects to human health and vegetation. Ozone can penetrate into different regions of the respiratory tract and be absorbed through the respiratory system.
79. HAP emissions can lead to adverse health effects like cancer, respiratory irritation, and damage to the nervous system.
80. Breathing methyl isobutyl ketone for short periods of time can affect the nervous system. The effects can include headaches, dizziness, narcosis, nausea, numbness in the fingers and toes, and (if the exposure is prolonged) unconsciousness, and even death.
81. Short-term exposure to high levels of toluene results first in light-headedness and euphoria, followed by dizziness, sleepiness, unconsciousness, and in some cases death. Long-term exposures at low levels have caused effects to the kidneys.
82. The main effect of inhaling xylene vapor is depression of the central nervous system, with symptoms such as headache, dizziness, nausea and vomiting.

Date

9/26/18

Edward Nam



Director

Air and Radiation Division

CERTIFICATE OF MAILING

I certify that I sent a Notice and Finding of Violation, No. EPA-5-18-WI-05, by Certified Mail, Return Receipt Requested, to:

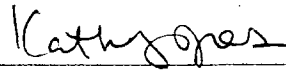
John Kovaleski, Plant Manager
PPG Industries, Inc.
10800 S. 18th Street
Oak Creek, Wisconsin 53154

I also certify that I sent copies of the Finding of Violation by e-mail to:

Michael Szabo, Wisconsin Department of Natural Resources
Michael.szabo@wisconsin.gov

Marcia Hill, Wisconsin Department of Natural Resources
Marcia.hill@wisconsin.gov

On the 27th day of September 2018.



Kathy Jones
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7017 0530 0000 6289 1832